

**MINUTES OF THE UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA**

Davis. v. Hyden, et al.
Case No. A02-214 CV (JKS)

By: THE HONORABLE JAMES K. SINGLETON

Deputy Clerk: Dan Maus, Case Management: 677-6123*

PROCEEDINGS: ORDER FROM CHAMBERS

Before the Court is Defendants' motion to dismiss. Docket Nos. 47 (Mot.); 53 (Opp'n); 59 (Reply). The matter was initially referred to the Honorable John D. Roberts, United States Magistrate Judge. Judge Roberts recommends denying the motion to dismiss. Docket Nos. 62 (Initial R&R); 68 (Final R&R). The Court has independently reviewed the record and the law, and agrees with Judge Roberts's recommendation. For the reasons stated in the Initial and Final Report and Recommendations, the motion to dismiss at **Docket No. 47** is **DENIED**.

IT IS SO ORDERED.

Entered at the direction of the Honorable James K. Singleton, United States District Judge.

DATE: January 26, 2006

* ALL INQUIRIES REGARDING THE SCHEDULING OR CALENDARING OF THIS CASE SHOULD BE DIRECTED TO THE ABOVE INDICATED CASE MANAGER.

Any request for other information or for clarification, modification, or reconsideration of this Order, or for extension of time must be made in the form of a motion. See FED. R. CIV. P. 7(b)(1); D. Ak. LR 7.1(j) & 59(b). No one should telephone, fax, or write to chambers regarding pending cases. The Judge's secretary and law clerks are not permitted to discuss any aspect of this case, provide any information, or communicate with any person, including litigants, lawyers, witnesses, and the general public regarding pending cases.